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575 MARKET ST. • SUITE 2500
SAN FRANCISCO, CA 94105-2871
TELEPHONE 415.369.9660
FACSIMILE 415.369.9665
WWW.VIERRAMAGEN.COM

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TO:	FROM:
Mr. Tuan Dam	Richard A. Nebb, Esq.
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PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
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RE:	YOUR REFERENCE NUMBER:
U.S. Patent Application No. 09/449,021	

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NOTES/COMMENTS:

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Richard A. Nebb
rnebb@vierramagen.com

VIA FACSIMILE 571-273-8300

Mr. Tuan Dam
Supervisory Patent Examiner
Group Art Unit 2192
United States Patent & Trademark Office
Washington D.C.

Re: U.S. App. No. 09/449,021

Dear Mr. Dam:

Following up to my recent voice messages, the client and I are very frustrated at the lack of progress of this application, which has now been pending for over 8 years. I finally spoke with examiner Kendall last week, and he indicated that he has found another patent that he thinks is "dead on" and was proceeding to write another action rejecting claims on the basis of U.S. Patent No. 5,842,020.

However, the '020 patent, like previous citations, does not disclose a development tool for web applications. In short, the editor and components described in the '020 patent run on a client computer. In contrast, applicant's editor and components run at least partially on a server computer and communicate with the user by sending browser code to the user's web browser. One or the other of these limitations is recited in each of applicant's independent claims, and the '020 patent does not teach or suggest such limitations.

An application that runs on a client computer has direct system access for communications with the user via the keyboard and display controllers.

In contrast, an application that runs on a server computer does not have direct access to communicate with the user. There are generally two methods of interest for doing so. First, server based applications commonly communicate with users by sending browser code, which is interpreted by a web browser program on the client computer. Second, applets can be stored on the server, then downloaded to the client and executed on the client. However, it should be clear that applets do not execute on the server and do not utilize the browser program to communicate with the user.

Thus, the communication mechanism is the critical distinction, and none of the art cited to date has disclosed the communication mechanism claimed by applicant.

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During recent prosecution, applicant had amended independent claims to add a "dynamic editing" feature that both you and the Examiner had asserted would distinguish over the cited art. While we did not believe that this limitation was necessary, we nevertheless added it to our claims with the expectation that it would lead to allowance in this case, and that we could pursue claims of a different scope in a continuation case. However, we have failed to obtain allowance, and we appear no closer to resolution than prior to filing our first appeal brief almost 2 years ago.

I would appreciate a return telephone call to discuss appropriate next steps for this case at your earliest convenience.

Very truly yours,



Richard A. Nebb